

Before the  
Federal Communications Commission,  
Washington, D.C.

Applications of Comcast Corporation,	)	Elan Feldman (Petitioner)
General Electric Company and NBC	)	1052 NW 21 <sup>st</sup> Street
Universal, Inc. In regard to final	)	Miami, Florida 33127
Approval 10-56 and Violations of	)	
FCC11-4 Order and need for Hearing	)	

Ms. Marlene H. Dortch  
Secretary Federal Communications Commission  
445 Twelfth Street, S.W. Washington, D.C. 20554

To: The Commissioners, Marlene H. Dortch, Secretary Transaction Team, Office of General Counsel, the Media Wireline Competition and Enforcement Bureaus, Administrative Law Judges staff, Inspector General, Strategic Planning & Policy and Media Bureau, enforcement Bureau. Investigating and Hearing Division.

**Petition to enforce the FCC obligations of law, as a questions of fact exists in the Comcast/NBCU, a hearing is required to verify if Licenses were gotten by Fraudulent means, Comcast Violated the FCC11-4 order, Has Engaged in other Violations of Law, and a Question if Comcast has the Character requisite the law requires.**

This Informal Petition under CFR 1.41 is being submitted pursuant to the rules of the Commission and the procedures to verify that Comcast has obtained the NBCU licenses by fraudulent means<sup>1</sup>, that Comcast lacks the required character for a license, and has violated the FCC11-4 order with retaliation. This Petitioner request the law and the requirements of the law be enforced. There is a substantial issue of fact and law which requires a hearing. This merger can only exist if it serves the public. As the seven year supervision of Comcast comes close to ending, this petition should precede on an expedited track<sup>2</sup>. The FCC, on their own motion, should conduct a hearing, as petitioners only interest is to insure enforcement of the laws and represent the public against a wrongful approval. (47CFR1.935<sup>3</sup> and 47CFR 1.65<sup>4</sup>

---

<sup>1</sup> 47 USC 303(m)(1)(F) authority to suspend the license of any operator upon proof sufficient to satisfy the Commission that the licensee--has obtained an operator's license by fraudulent means.

<sup>2</sup> FCC11-4 XX pg. 144 Term: Except as expressly stated, these Conditions shall remain in effect for seven years following the date of this Order

<sup>3</sup> 47CFR§ 1.935 (d) (2) Each application, Petition to Deny, informal objection or other pleading is deemed to be pending before the Commission from the time the Petition to Deny is filed with the Commission until such time as an order or correspondence of the Commission granting, denying or dismissing it is no longer subject to consideration by the Commission or to review by any court. FCC11-4 Section XX seven year required conditions, and still under court review (CASE: 1:11-cv-00106 U.S. and Plaintiff States v. Comcast Corp., et al.) also look at DA 12-1958 Comcast/NBCU Order Benchmark Condition

<sup>4</sup> 47CFR1.65 Where the matter is before any court for review, statements and requests to amend shall in addition be served upon the Commission's General Counsel. For the purposes of this section, an application is "pending" before the Commission from the time it is accepted for filing by the Commission until a Commission grant or denial of the application is no longer subject to reconsideration by the Commission or to review by any court. (CASE: 1:11-cv-00106 U.S. and Plaintiff States v. Comcast Corp., et al.) .....All broadcast permittees and licensees must report annually to the Commission any adverse finding or adverse final action taken by any court or administrative body that involves conduct bearing on the permittee's or licensee's character qualifications and that would be reportable in connection with an application for renewal as reflected in the renewal form.

empowers the FCC) as petitions in this merger are still pending. Even if the FCC does not have authority to vacate the Merger, the FCC has the authority to suspend the license of an operator gotten through fraudulent means. Comcast has also ignored their obligations to report to the Commission, Commission's General Counsel, any adverse adjudicated findings and to report retaliation in the proceeding. Any violation is a violation of the Order FCC 11-4 XVIII PG 144. I beg the FCC to read this petition, as ex parte meetings show that previous filings had not been read.<sup>5</sup>

A hearing is required by law if there is a Question of Fact. The Burden of proof is upon the applicant. There are questions of "Fact". "ACT"<sup>309(e) FCC11-4 paragraph 22</sup>. ***Comcast themselves***, under the law was required in this proceeding to prove the merger, by a preponderance of the evidence, serves the public. **The burden of proof is upon the applicant.** This petitioner show evidence that proof was fraudulently signed.

### **Background**

Petitioner has filed complaints, petitions, and engaged in ex parte communications, in regard to Comcast's criminal actions and harms, extending to other members of the public and petitioner for over a decade. In FCC10-56 Affidavits were submitted of others harmed by Comcast trespasses depriving others of property rights and damage of property by this petitioner. Petitioner was forced to enter into civil litigation as regulators refused to enforce the laws intended to protect a member of the public. Congress placed protections of property owners in the Communications "Act" Section 621<sup>6</sup>. The law 47 CFR 1.935<sup>7</sup> and 47CFR 1.65<sup>8</sup> make all petitions previously submitted in this merger pending, and now this filing makes them undisputed. The FCC conditionally approved the FCC10-56 Comcast/NBCU merger, the laws reaffirmed with the FCC11-4 order, the legal requirements and Conditions of this merger. Petitioner will demonstrate that many of these requirements and conditions were either not met, fraudulently filed or have been violated. Knowledge and proof came after the FCC11-4 order was conditionally approved, making this petition timely.

1. Such allegations of fact shall, except for those of which official notice may be taken, be supported by affidavit of a person or persons **with personal knowledge thereof.** *The applicant shall be given*

---

<sup>5</sup> <https://ecfsapi.fcc.gov/file/60001039302.pdf>

<sup>6</sup> "ACT" refers to Communications Act of 1934. Section 621 refers to: Section 621 (a)(2)(A) and 621(a)(2) (C) also called 47 U.S.C § 541(a)(2)(A) and (C) and in pertinent part states that "that the safety, functioning, and appearance of the property and the convenience and the safety of other persons not be adversely affected by the installation or construction of facilities necessary for a cable system; (Multiple request to Comcast in writing plaintiffs requested Comcast to repair the damages, yet Comcast refused. 47 U.S.C § 541(a)(2)(C) in pertinent part states that" "... the owner of the property [damaged] be justly compensated by the cable operator for any damages caused by the installation, construction, operation or removal of such facilities by the cable operator." The explanation and importance of the Act is clarified by the FCC themselves stating "the law requires just compensation to property owners who have suffered damages as a result of a cable operator's construction, operation, installation, or removal of its cable television facilities". But the Act and Congress went above and beyond stating that the cable provider Shall Insure. a guaranty and a demand. And a requirement to hold a cable franchise. This too, was violated by Comcast.

<sup>7</sup> 47CFR§ 1.935 (d) (2) Each application, Petition to Deny, informal objection or other pleading is deemed to be pending before the Commission from the time the Petition to Deny is filed with the Commission until such time as an order or correspondence of the Commission granting, denying or dismissing it is no longer subject to consideration by the Commission or to review by any court. FCC11-4 Section XX seven year required conditions, and still under court review (CASE: 1:11-cv-00106 U.S. and Plaintiff States v. Comcast Corp., et al.) also look at DA 12-1958 Comcast/NBCU Order Benchmark Condition

<sup>8</sup> 47CFR§ 1.65 ...the purposes of this section, an application is "pending" before the Commission from the time it is accepted for filing by the Commission until a Commission grant or denial of the application is no longer subject to reconsideration by the Commission or to review by any court. (CASE: 1:11-cv-00106 U.S. and Plaintiff States v. Comcast Corp., et al.)

the opportunity to file a reply in which allegations of fact or denials thereof shall similarly be supported by affidavit. The ACT 309(d)(1)

2. If we are unable to find that the proposed transaction serves the public interest for any reason, **or if the record presents a substantial and material question of fact, we must designate the application for hearing.** This legal requirement is recorded 3 times in the order. FCC11-4 paragraph 22, paragraph 251, footnotes 663. The burden of proceeding with the introduction of evidence and the burden of proof shall be upon the applicant. The “ACT” 309(e)
3. Neither Comcast nor C-NBCU shall: retaliate against any Person for (i) exercising (or attempting to exercise) any rights under this Order (regardless of whether those rights pertain to online issues), (ii) participating in the proceeding resulting in this Order FCC11-4<sup>9</sup>.
4. The applicant under 310(d) must show requisite character qualifications.<sup>FCC11-4 Paragraph 276</sup>. Conditions shall remain in effect for seven years following the date of this Order with supervision and Comcast required showing annually they complied with the conditions of the order.<sup>FCC11-4 pg. 144 Section XIX</sup>
5. The Commission will not consider in its character determination disputes that are the subject of litigation “absent an ultimate adjudication by an appropriate trier of fact, either by a government agency or court. FCC11-4 paragraph 279. (This requirement to be considered, to petition a redress was provided by Comcast themselves. I remind the FCC, their oath, the constitution and law.)

### **Comcast violates the Laws, the Communications ACT as they fraudulently responded in the FCC10-56 merger**

The law requires a person with personal knowledge. David Cohen did not have the personal knowledge that the law required. The Comcast/NBCU 10-56 merger was gotten fraudulently. A merger applicant is **required** to respond to petitions with an affidavit of a person with personal knowledge. “ACT” Section 309(d)(1). David Cohen VP Comcast Corp signed as that person. An affidavit was submitted to the Florida Court by Comcast themselves after the Comcast/NBCU probationary approval, retracting that lawfully required, personal knowledge. Mr. Cohen signed “***in the foregoing Opposition to Petitions to Deny and Response to Comments as to Comcast Corporation and its affiliates are true and correct***”. **They are not**. All Comcast responses in this proceeding must be voided and all petitions are therefore, undisputed.

The ACT 309(d)(1) Such allegations of fact shall, except for those of which official notice may be taken, be supported by affidavit of a person or persons ***with personal knowledge thereof***. The applicant shall be given the opportunity to file a reply in which allegations of fact or denials thereof shall similarly be supported by affidavit. “ACT” 309(d)(1) and 47 CFR 1.939 (f).

The Comcast Opposition to Petitions, signed by Mr. Cohen VP of Comcast Corp as the person with personal knowledge David Cohen describing, good faith efforts to settle, trespass, the property damage,

---

<sup>9</sup> FCC11-4 pg 126-127 section d

After the merger was approved Mr. Cohen, through Comcast's army of attorneys, fought being deposed, until Comcast and Mr. Cohen admitted that the personal knowledge required by the "ACT" did not exist and filed this affidavit. EXHIBIT (A)

**A. I have no direct personal knowledge regarding the installation of cable at 1050 N.W, 21st Street, Miami, Florida or the property damage alleged to have occurred from such installation.**

**B. I have no direct personal knowledge of any repair work, damage estimates, claim handling, or any other issue involving the condition of said property or the present lawsuit.**

This petitioner filed a petition<sup>10</sup> in this 10-56 merger as one of 13 petitioners<sup>11</sup>. Petitioner, claimed a violation of the "Act" Section 621<sup>12</sup> and alleged character issues on the part of Comcast, as Comcast knowingly trespassed and engaged in actions to frustrate, stonewall and deceit<sup>13</sup> Comcast disputed petitioner, placing David Cohen as that person with personal knowledge refuting the alleged<sup>14</sup> trespass and damage, and discussing claim handling and Comcast's good faith efforts to settle. EXHIBIT (B). David Cohen signed this under penalty of perjury as that person with personal knowledge. EXHIBIT (C).

**A question of fact exists.**

### **The law**

An FCC merger legally cannot take place unless "ACT" 309(d) is followed as these are the requirements ordered by Congress requires personal knowledge. This violation also of 47 CFR 1.939 (f) which again requires the personal knowledge in disputing an opposing petition. The FCC requirements, requiring the denial of the petition, and issuance of a concise statement of the reasons for denying the petition<sup>15</sup>, statements disposing of all substantial issues that used Comcast opposition to petitions filing in the FCC11-4 Memorandum Opinion and Order, is also void.

**Petitions to Deny (f) Oppositions and Replies.** The applicant and any other interested party may file an opposition to any petition to deny and the petitioner may file a reply thereto in which allegations of fact or denials thereof, except for those of which official notice may be taken, shall be supported by affidavit of a person or **persons with personal knowledge thereof**. 47 CFR 1.939

The law is explicit regarding personal knowledge. The law does not allow mergers where the requirements have not been satisfied or subject to other violations.

---

<sup>10</sup> <https://ecfsapi.fcc.gov/file/7020507052.pdf> and 7020507053-61 exhibits

<sup>11</sup> FCC 11-4 footnote 35 a party of interest and showing he raised concerns to the FCC (note DOJ requirement in approving the merger and promise to public to protect against retaliation).

<sup>12</sup> Section 621 means: Section 621 (a)(2)(A) and 621(a)(2) (C) also called 47 U.S.C § 541(a)(2)(A) and (C) and in pertinent part states that " that the safety, functioning, and appearance of the property and the convenience and the safety of other persons not be adversely affected by the installation or construction of facilities necessary for a cable system; (Multiple request to Comcast in writing plaintiffs requested Comcast to repair the damages, yet Comcast refused. 47 U.S.C § 541(a)(2)(C) in pertinent part states that" ... the owner of the property [damaged] be justly compensated by the cable operator for any damages caused by the installation, construction, operation or removal of such facilities by the cable operator." The explanation and importance of the Act is clarified by the FCC themselves stating "the law requires just compensation to property owners who have suffered damages as a result of a cable operator's construction, operation, installation, or removal of its cable television facilities" . But the Act and Congress went above and beyond stating that the cable provider Shall Insure. a guaranty and a demand. And a requirement to hold a cable franchise.

<sup>13</sup> FCC11-4 paragraph 278

<sup>14</sup> <https://ecfsapi.fcc.gov/file/7521824527.pdf>

<sup>15</sup> "ACT" 309(d)(2)

## **Comcast Violated the FCC11-4 Order By Retaliation for doing the very thing Comcast demanded to get this Merger**

After the Florida court case 09-36802CA11 (where a jury found Comcast intentionally trespassed and that the damage was due to Comcast's negligence<sup>16</sup>, EXHIBIT (D) This jury found as the ultimate<sup>17</sup> trier of fact, that Comcast intentionally trespassed, which was found by "adjudication". The Fact it was intention is important as Comcast knew they were harming, know they were violating the law. In this FCC approval, the requirement of "**adjudication**", was a condition to having standing to petition in front of the FCC. Comcast violated the order with an offer of Judgment, depriving petitioner of his right to the court, and his ability to prove Comcast's fraud and true value of damages caused by Comcast and a violation of the "ACT" Section 621. It is important as Comcast themselves demanded this adjudication to get this merger. FCC11-4 order, Comcast agreed not to retaliate against any Person for (i) exercising (or attempting to exercise) any rights under this Order (regardless of whether those rights pertain to online issues), (ii) participating in the proceeding resulting in this Order. <sup>FCC11-4 paragraph 279</sup>

*In their Opposition, the Applicants state..... Moreover, it notes that, where a dispute is the subject of pending litigation, the Commission will not take cognizance of misconduct unrelated to Commission business unless it is adjudicated.* <sup>FCC11-4 paragraph 278</sup>

### **The FCC responded to this statement:**

Moreover, the Commission will not consider in its character determination disputes that are the subject of litigation "**absent an ultimate adjudication by an appropriate trier of fact, either by a government agency or court.**" <sup>FCC11-4 paragraph 279</sup>

Upon adjudication and proving Comcast **intentional** trespass and their negligence the legal cause of damage, having reached the ultimate tier, Petitioner appealed the Judge's decision to conceal the damage Comcast caused, and Comcast's insurance fraud from the jury. Comcast submitted to the Court an **offer of judgment** demanding millions of dollars in legal fees to punish this petitioner for having a Jury find them guilty. This offer of judgment, if accepted, deprives petitioners the constitutional right to petition (1<sup>st</sup> amendment), and the right to influence government decision and prove Comcast guilt. Both Comcast and our FCC demanded this adjudication in order for Petitioner to have standing, which results in **a chilling effect**.

Although the offer of judgment was riddled with defects, Comcast was still awarded the right to attorney fees. The greatest defect was, **it was never served**. Four (4) affidavits submitted by petitioner's attorneys, declared it was never served. Requests for an evidentiary hearing, the constitutional right to confront my accuser before government punishment was requested over and over and were denied and exist in the public record. The public's constitutional rights and immunities, property rights, right to petition and influence government decision making, and the right to confront accuser, proven vanished. ***Note: to create barriers to the rights, privileges and immunities secured by the constitution is against the law and indisputably a character issue.*** Having Proven Comcast a criminal, petitions proven true, and yet

---

<sup>16</sup> Only the part of the jury verdict reaching the highest tier is show. Other parts were under appeal , Comcast extorted conditions with a choice of two harms. Petitioner chose the lesser.

<sup>17</sup> FCC11-4 paragraph 279

petitioner was extorted by this utility with a choice of two harms, no winning solution existing, and was forced to pay Comcast.

### **Adverse Findings requirement**

CFR 1.935 and CFR1.65 and license renewal requirements such as 302, 303s, 316,318,327, 603. exc... require adverse findings<sup>18</sup> be reported. CFR1.65 and 1.935 requires reporting to the commission and the Commissions Attorney and the other petitioners, adverse adjudications. FCC11-4 required Comcast report retaliation. Was this ignored?

### **A Reminder To Commissioner Mignon**

**"I was pleased to see that the Order approving this transaction imposes additional conditions on the Applicants in a number of areas, including:.....and preventing retaliation against any entities who seek to exercise rights in this Order or participated in this proceeding. For these reasons and others, I am willing to find that this transaction serves the public interest.. I will be watching closely with my large megaphone in hand should these agreements be ignored."** FCC 11-4 page 277

### **Character issues**

The knowledge of innocence of this petitioner and the characterization of him as a victim, is undisputed by Comcast themselves<sup>19</sup> in their smoking gun admission. Exhibit (E) Yet Comcast shows no remorse. Comcast refused to vacate the property trespassed upon, and refused to pay any amount unless the petitioner accepted Comcast's conditions. (Petitioner requested of Comcast the undisputed amount leaving Comcast to pay what they wished. Instead a release was instead sent demanding to drop criminal complaints.). Utilities are required to serve the public, This one has shown harm of those proving them criminals, depriving members of the public of their property rights, creating barriers to the public's right to complain, and resorts to extorting and threatening harms in effort to conceal their actions. Comcast conspiring to deprive rights, privileges, or immunities secured and protected by the Constitution and laws of the United States. This Petitioner even sat in front of a judge and court reporter<sup>20</sup> as Comcast demanded the removal of petitioners FCC allegations and later demanding confidentiality. This elevates the on goings, showing Comcast willingness to extort conditions from those that get in Comcast way and a willingness to conceal their actions. (Concealment is a character issue). The smoking gun admission blames it on a Contractor. Discovery later showed, Comcast installed the cable themselves. Comcast was even willing to lie in writing to the franchise authority in regard to insurance involvement. In another

---

<sup>18</sup> 47CFR1.65 Where the matter is before any court for review, statements and requests to amend shall in addition be served upon the Commission's General Counsel. For the purposes of this section, an application is "pending" before the Commission from the time it is accepted for filing by the Commission until a Commission grant or denial of the application is no longer subject to reconsideration by the Commission or to review by any court. NOTE: The terms *adverse finding* and *adverse final action* as used in paragraph (c) of this section include adjudications made by an ultimate trier of fact, whether a government agency or court, but do not include factual determinations which are subject to review *de novo* unless the time for taking such review has expired under the relevant procedural rules. The pendency of an appeal of an adverse finding or adverse final action does not relieve a permittee or licensee from its obligation to report the finding or action.

<sup>19</sup> Comcast originally blamed the trespass on their subcontractor. The facts show Comcast installed the cable themselves.

<sup>20</sup> MS. DAKER: So Judge, I think that this morning we came to a resolution of the appeal of the final judgment of the trial and of Comcast's Motion for Attorney's Fees and the terms of the settlement are as follows: *The Plaintiffs will dismiss their entire appeal of the final judgment of the trial in this matter that is currently pending and scheduled for oral argument before the Third DCA on February 10th of 2016, case number 15-0372. They will -- Plaintiffs will not attempt to appeal any other orders or rulings of the court in this case that's pending here. Plaintiffs will pay the Comcast Defendants \$75,000 in full settlement of all outstanding claims and attorney's fees and costs. Plaintiffs will drop or withdraw all regulatory filings before the FCC whose facts related in any way to the allegations of this suit. .... Plaintiffs and Comcast will exchange releases through today of all claims that are known, unknown, et cetera, relating to everything. ...Note: After the filing of the first complaint regarding constitutional rights , retaliation Comcast dropped this demand and attempted confidentiality.*

instance, Comcast went as far as refused to respond to the Cable franchise inquiry because he was a specialist in Insurance fraud<sup>21</sup>. (Cable Franchise Public Records). Comcast Senior Counsel in deposition acknowledges there was never an investigation to insurance fraud or a concern to any fraud in this matter. The shocking video deposition available upon request shows Comcast knowledge of David Cohen affidavit, admittance to investigating and knowledge of the damage, trespass and liability that it did happen and that they were libel. This was known facts to Comcast, but they wanted this merger, concealed their knowledge of guilt, lacked the candor and called it an allegation to get this merger. Then Comcast spent millions of dollars with an army of attorneys in efforts to harm and silence this petitioner. Comcast admittance of this knowledge was after merger approval, making this petition timely and concealed during the merger.

Comcast filed to the Court that the cable they received profit for, admitted in writing multiple times, was owned by a Comcast entity, but to avoid a Summary Judgment for trespass Comcast denied owning it. It shows Comcast willingness to conceal<sup>22</sup>, abuse of process, requiring petitioner to adjudicate for what they knew true, candor issues, misrepresent, criminal trespass<sup>23</sup>. In Comcast/Time Warner 14-57, under 47 CFR1.65, Comcast ignored their responsibility by law to report adverse adjudicated findings concealing the jury finding of intentional trespass and that their negligence was the cause of damage as focused in that that proceeding<sup>24</sup>. I beg our FCC to re-read their policy on Character requirements.

### **Comcast is Operating without Right to hold a Franchise License**

Under the law section 621<sup>25</sup> is the general franchise requirements<sup>26</sup> and a Congressional Mandate EXHIBIT (F). Comcast was required to insure that the safety functionality and appearance of the property and the safety of persons not be adversely affected. The property owner is to be justly compensated for the damages. All those requirements were ignored and this negligence ended in a person getting hurt. Comcast was offered that they themselves repair the damages as the law placed the obligation on Comcast to repair the damage they caused. Comcast refused<sup>27</sup>. ***“No fact tried by a jury, shall be otherwise***

<sup>21</sup> 47 CFR 76.939 - Truthful written statements and responses to requests of franchising authority.

<sup>22</sup> "The fact of concealment may be more significant than the facts concealed. The willingness to deceive a regulatory body may be disclosed by immaterial or useless deceptions as well as by material and persuasive ones." FCC vs. WOKO.

suptu note 10, at 227. See, also, Leflore Broadcasting Company, Inc. u. FCC, swam note 38, at 461-462,

<sup>23</sup> 25 CFR 11.411 - Criminal trespass. A person commits an offense if, knowing that he or she is not licensed or privileged to do so.

<sup>24</sup> <https://ecfsapi.fcc.gov/file/60001029713.pdf>

<sup>25</sup> "ACT" refers to Communications Act of 1934. Section 621 means: Section 621 (a)(2)(A) and 621(a)(2) (C) also called 47 U.S.C § 541(a)(2)(A) and (C) and in pertinent part states that" that the safety, functioning, and appearance of the property and the convenience and the safety of other persons not be adversely affected by the installation or construction of facilities necessary for a cable system; (Multiple request to Comcast in writing plaintiffs requested Comcast to repair the damages, yet Comcast refused. 47 U.S.C § 541(a)(2)(C) in pertinent part states that" ... the owner of the property [damaged] be justly compensated by the cable operator for any damages caused by the installation, construction, operation or removal of such facilities by the cable operator." The explanation and importance of the Act is clarified by the FCC themselves stating "the law requires just compensation to property owners who have suffered damages as a result of a cable operator's construction, operation, installation, or removal of its cable television facilities" . (<https://www.fcc.gov/media/engineering/cable-television> )But the Act and Congress went above and beyond stating that the cable provider Shall Insure. a guaranty and a demand. And a requirement to hold a cable franchise.

<sup>26</sup> *Easement dedicated for compatible use* means all easements that a cable operator is authorized by State, federal, or local law to use in operating its cable system. the cable Dade County ordinance 8aa-2 (k).Franchise law requires Comcast permission to remove cable Sec. 8AA-64

<sup>27</sup> "So within the document it states that he wants Comcast to actually retain the contractor, do the work within a certain time frame, to be -- you know, basically warrant the repairs and -- and things such of that nature, and it's not something that Comcast can agree to" VIDEOTAPED DEPOSITION OF MARNA SALIMENA, ESQUIRE MAY 8, 2013 pg. 273 Senior council of Comcast Pg. 12. As the petition would be too long, as this petition is informal any and all requested documents will be made available upon request



*reexamined in any court of the United States*". Petitioners were required to pay Comcast for proving petitioner was adversely affected and Comcast negligence was the cause of damage. The law requires the property owner be justly compensated.

## **The Previous FCC Regime Engaged in Preferential Treatment to Comcast and Selective Enforcement**

Our new President stated the system is rigged and the media, corrupt. In regard to Comcast/NBC and the previous FCC and DOJ regime, this petitioner submits proof to such. The Fact that our previous FCC regime ignored the law and did as they wished was confirmed by our new FCC chairman during his tenor as Commissioner. Chairman Ajit Pai stated. ***"I welcome this latest reminder from the federal courts that neither the FCC nor any other administrative agency is above the law." "That the FCCs deliberate indifference to the law"***<sup>28</sup>.

Commissioner Michael Copps, whom was previously Chairman, in regard to this same merger proceeding stated: ***"This is too much, too big, to powerful and too lacking for American Consumers." .....*** ***"All of this means it's more difficult for citizens to hold the powerful accountable. It means thousands of stories go unwritten. It means we never hear about untold instances of business corruption, political graft and other chicanery;"*** FCC 11-4 page 274

1. Even though Comcast has violated the FCC11-4 order, and now again<sup>29</sup>, had lied to the FCC in regard to Comcast blocking<sup>30</sup>, lied to the senate judiciary about blocking<sup>31</sup>, and recently found to have charge customers for unordered services and over billing and then having barriers to get refunds or credit<sup>32</sup>, violated the order, our previous FCC shamefully found none, character issues. Character is a requirement for license transfer or renewals. Previously shown violations of the FCC11-4 order, and now again, violation of the Section 621 and 47CFR 1.65 the previous FCC regime just closed their eyes.
2. In the FCC11-4 our FCC required to and issues a concise statement of the reasons for denying the petitions, in disposing of all substantial issues raised by petitions.<sup>33</sup> In regard to a violation of the "Communications Act",<sup>FCC11-4 paragraph 278</sup> Our FCC required to dispose of the issue raised, responded that the Commission is concerned with misconduct that violates the "Communications Act",<sup>FCC11-4 paragraph 278</sup>. Clearly an oxymoron
3. Our FCC ignored the law as Comcast requested a license transfer of a satellite dish. Comcast had already transferred ownership of a satellite dish without FCC approval to another entity and closed the approved licensed corporation making that license void. Our FCC required to issuing a concise

---

<sup>28</sup>We docket 16-106, WC docket 14-116.

<sup>29</sup> Comcast was allowed to buy themselves out of a violation for a mere \$800,000 to get an extension of time to comply for failing to adequately promote the availability of standalone broadband services. . Probably paying less than the public paid to prove Comcast's violation. <https://www.fcc.gov/document/fcc-resolves-comcast-nbcu-investigation>

<sup>30</sup> "The Commission found that Comcast was less than forthcoming about its network management practices and that only after independent evidence emerged that Comcast was not being truthful did the corporation admit to its true methods of traffic management related to P2P programs". April 29 2013 R40234 CRS report for Congress.

<sup>31</sup> Mr. Feldman also alludes to the matter, maintaining that Comcast Executive Vice President David Cohen "lied" to the U.S. Senate when, in Testimony, he stated that "we have never blocked our customers' access to lawful content." FCC11-4 paragraph 279

<sup>32</sup> DA 16-1127

<sup>33</sup> "ACT" 309(d)(2)



statement of the reasons for denying the petition filed, which statement shall dispose of all substantial issues raised. 309(d)(2) simply ignored this Petition to Deny<sup>34</sup>. Our FCC, approved the transfer, but to a different entity without a new application.

4. The FCC permitted, shortly after approving that Comcast/NBCU merger, that Commissioner Baker could abruptly resign her post so she could work for Comcast. This leaves the public, wondering whether law-abiding citizens should now anticipate a future where Zoning Commissioners are to be routinely hired by contractors post-zoning approval and sitting judges to be hired by defendants after welcome case dismissals. This immediate job opportunity after the merger approval, served no interest to a public that Comcast is required to serve.
5. Our regulators denied jurisdiction stating they do not have the power to enforce or investigate a violation of the Communications ACT section 621. Our FCC empowered only to enforce the Communications Act<sup>35</sup> and doesn't have authority to enforce or investigate a violation of the Communications Act<sup>36</sup> strains credibility.<sup>FCC11-4 Footnote 716</sup>

### **OUR DOJ (Department of Justice)**

Our DOJ was also required to approve the Merger. *Briefing of Assistant Attorney General Christine Varney*<sup>37</sup> stating ***"The provisions also prohibit Comcast and NBCU from retaliating against those who raise concerns with the department or the FCC"***. This petitioner clearly raised concerns, legally served both the FCC and the DOJ<sup>38</sup> filing both a complaint and a Petition. Both ignored. Requests for meetings were ignored. Unwillingness by our regulators to enforce the law, the order, the constitution, and promises to the public, portrays Comcast as ***a Governmentally Protected Criminal Organization***. In summary, DOJ approve the merger then made a statement to the public of the conditions to protect us, and then stonewalled violations of those conditions showing the public could not trust the previous regime.

### **Summary and Petitioners Commentary**

All filings filed by this petitioner to the FCC should now be compiled as evidence. All 13 petitions in this FCC10-56 merger should be considered undisputed. Our regulators requirements and provisions created to protect the public, competitors, and those required to use Comcast, those persons are shown should be in fear and silent if they get in Comcast way. All the fears previously claimed in the merger are now reality as this superpower has shown retaliates, ignores laws, extorts conceals, lacks candor, and harms. The public purpose is shown unimportant to this utility. A visit to the office of Brian Roberts, Comcast's leader, required to run the company lawfully, should have correct this petitioner's problem showing involvement at the top. Instead petitioner was thrown out and days later given a release that would have

---

<sup>34</sup> <https://ecfsapi.fcc.gov/file/60001076873.pdf>

<sup>35</sup> "ACT" Section 1(47USC151) purpose of act-a commission to be known as the "Federal Communications Commission," which shall be constituted as hereinafter provided, and which shall execute and enforce the provisions of this Act.

<sup>36</sup> FCC11-4 footnote 716

<sup>37</sup> <https://www.justice.-gov/opa/speech/assistant-attorney-general-christine-varney-holds-briefing-comcastnbcu-joint-venture>

<sup>38</sup> Petitioner previously served both the FCC and DOJ a complaint and a petition in regard to the retaliation, deprivation of rights, and of the David Cohen retraction. <https://ecfsapi.fcc.gov/file/10062712030846/Petition%20to%20vacate%20ComcastNBCU%20FCC11-4%20order.pdf>. And <https://ecfsapi.fcc.gov/file/10141271001885/Reply%20to%20Comcast%20Opposition%20to%20Petition%20to%20Vacate%20Comcast-NBCU%20merger.pdf>.

allowed the permanent occupation of the property<sup>39</sup>. The cable removed only by the involvement of then Governor of Florida whom had no authority over Federal Law except he was the President's Brother. The laws protect cable even if unlawfully on private property. This shameful trespass, refusal to vacate, if not by a utility would normally have been corrected by putting the violator in jail. It is Comcast's abuse, Comcast government influence and government's indifference to enforce laws intended to protect the public is why this petitioner just won't go away. This leaves this petitioner wondering, how many others have been harmed and in what way, as our regulators saw no evil and heard no evil. (Commissioner Cobbs said we will never hear of *instances of business corruption, political graft and other chicanery*.) If further retaliation happens after filing this petition by our regulators or Comcast, it enforces President Obama's wisdom "If the people cannot trust their government to do the job for which it exists - to protect them and to promote their common welfare - all else is lost."<sup>40</sup> I beg our FCC, do your Job.

The laws protecting the public are old and should be reminded to Comcast

# **"Thou Shalt Not Trespass"**

**thou shalt not trespass upon anything that is thy neighbor's, to take it from him, nor to destroy it, to destroy his substance, Thou shalt not bear false witness; thou shalt not speak falsely**

*The Ten Commandments*

I declare under penalty of perjury that the foregoing is true and correct. That to the best of my knowledge, information, and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law and order; and that it is not interposed for any improper purpose.

Executed on May 6, 2017  
Feldman 1050 NW 21<sup>st</sup> Street  
Miami, Florida 33127  
FeldmanElan@yahoo.com  
305 545-6680

/s/ \_\_\_\_\_  
Elan Feldman

---

<sup>39</sup> Brian Roberts played golf with our previous President and held a position on the President's Council on Job and Competitiveness. David Cohen personal friend of the President Obama and fundraiser. President Obama joked regarding David Cohen's home "I have been here so much, the only thing I haven't done in this house is have Seder dinner."

<sup>40</sup> Senator Obamas Africa trip . <http://obamaspeeches.com/088-An-Honest-Government-A-Hopeful-Future-Obama-Speech.htm>